

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MICHAEL L. GENGLER
Petitioner,

v.

Case No. 10-C-0245

**DANIEL J. TRAWICKI, Waukesha
County Sheriff,**
Respondent.

ORDER

On March 23, 2010, Michael L. Gengler filed what appears to be a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (See Pet. for Writ of Habeas Corpus ¶ 1.) However, at other times in his petition, Gengler refers to 28 U.S.C. § 2241. (See id. at ¶ 5.) Nonetheless, Gengler appears to be challenging a judgment of conviction of the Waukesha County Circuit Court, in which Gengler was convicted of failure to file an income tax return. Since Gengler thus appears to be in custody pursuant to the judgment of a state court, I will evaluate his petition pursuant to § 2254. See 28 U.S.C. § 2254(a).

Pursuant to Rule 2(d) of the Rules Governing § 2254 Cases, a petition for writ of habeas corpus must “substantially follow either the form appended to these rules or a form prescribed by a local district-court rule.” The petition filed by Gengler does not comply with this requirement. Further, Gengler’s petition is very confusing, and I am unable to clearly identify the facts and legal issues underlying Gengler’s claims. Therefore, I will dismiss the current petition but grant Gengler leave to file a new petition. To assist him in drafting his petition, I will direct the clerk of court to send him a copy of this district’s § 2254 form. I

encourage Gengler to use this form and to clearly and succinctly state his grounds for relief and the facts supporting each ground.

Gengler has also filed a motion for an immediate hearing on his petition. This motion is also unclear and confusing. In any event, because I am dismissing the petition, Gengler's motion for an immediate hearing on the petition is moot. Therefore, this motion will be denied.

For the reasons stated, **IT IS ORDERED** that the petition is **DISMISSED WITHOUT PREJUDICE** for failure to comply with Rule 2 of the Rules Governing § 2254 Cases. Petitioner has leave to file a new petition that conforms to this district's § 2254 form. Any such petition shall be filed within **30 days** of the date of this order.

FURTHER, IT IS ORDERED that the clerk send petitioner a copy of this district's § 2254 form.

FINALLY, IT IS ORDERED that petitioner's motion for an immediate hearing is **DENIED**.

Dated at Milwaukee, Wisconsin, this 25 day of March, 2010.

/s _____
LYNN ADELMAN
District Judge